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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,900	11/05/2002	Richard C. Walton	02703-023001	6238
26161 7590 12/26/2006 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER PATTERSON, MARC A	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 12/26/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/713,900	Applicant(s) WALTON ET AL.	
	Examiner Marc A. Patterson	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: none.
- Claim(s) objected to: none.
- Claim(s) rejected: 1-24 and 48-53.
- Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See attached.

ADVISORY ACTION

Acknowledgement of Applicant's Arguments

1. The amendment made in Claims 1 – 24 and 48 – 53 in the After Final Amendment filed November 28, 2005 has not been entered because the amendment raises a new issue. Claims 1 – 24 and 48 – 53, prior to amendment, were not directed to a web that, 'while being introduced dry, has been pressed with a converging pressing surface against a heated gripping drive surface and progressively driven forward to progressively collapse against retarded material while at heat set temperature.' The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered. Even if the amendment were to be entered, the amended claims would not overcome the prior art of record because the limitations are directed to process limitations rather than process limitations, and are therefore given little patentable weight; it is also not clear what surface is being referred to as 'converging,' and what surface as 'gripping.'

ANSWERS TO APPLICANTS ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 3, 8 – 18, 20 – 24 and 48 – 53 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Moore (U.S. Patent No. 4,286,030) and Anderson et al (U.S. Patent No. 6,315,864 B2), 35 U.S.C. 103(a) rejection of Claims 4 – 7 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Moore (U.S. Patent No. 4,286,030) and Anderson et al (U.S. Patent No. 6,315,864 B2) and 35 U.S.C. 103(a) rejection of Claim 19 as being unpatentable over Wang et al (U.S. Patent No. 5,935,880) in view of Moore (U.S. Patent No. 4,286,030) and Anderson et al (U.S. Patent No. 6,315,864 B2) and further in view of Srinivasan et al (U.S. Patent No.

5,500,281) of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 13 of the remarks dated November 28, 2006, that Wang et al do not disclose a web that, 'while being introduced dry, has been pressed with a converging pressing surface against a heated gripping drive surface and progressively driven forward to progressively collapse against retarded material while at heat set temperature.'

However, as stated above, Claims 1 – 24 and 48 – 53, prior to amendment, were not directed to a web that, 'while being introduced dry, has been pressed with a converging pressing surface against a heated gripping drive surface and progressively driven forward to progressively collapse against retarded material while at heat set temperature.' The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

Applicant also argues on page 13 that Moore deals with the heat setting of thermoset resins in the making of battery separators, and is therefore inapplicable.

However, Moore is cited only for the teaching that a resin that is cured is heat set.

Applicant also argues, on page 14, that Moore is not directed to the making of a wet wipe.

However, as stated above, Moore is cited only for the teaching that a resin that is cured is heat set.

Applicant also argues, on page 15, that the phrase 'heat set' is intended to mean the heating of deformed fibers to a specific temperature for a time sufficient to set the thermoplastic web for a new orientation.

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However, this definition is not claimed, and it is unclear if this definition is set forth in the original specification.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc A. Patterson 12/18/06
Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772